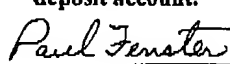
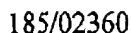




2872
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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))				Docket No. 185/02360	
In Re Application Of: Ilan D. HABER et al.					
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/936,074	September 5, 2001	Unknown	44909	2872	7853
Title: ATMOSPHERIC OPTICAL COMMUNICATION					
<p style="text-align: center;">Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p style="text-align: center;">37 CFR 1.97(b)</p> <p>1. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.</p> <p style="text-align: center;">37 CFR 1.97(c)</p> <p>2. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:</p> <p style="padding-left: 40px;"><input type="checkbox"/> the statement specified in 37 CFR 1.97(e);</p> <p style="text-align: center;">OR</p> <p style="padding-left: 40px;"><input type="checkbox"/> the fee set forth in 37 CFR 1.17(p).</p>					

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))				Docket No. 185/02360	
In Re Application: Ilan D. HABER et al.					
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/936,074	September 5, 2001	Unknown	44909	2872	7853
ATMOSPHERIC OPTICAL COMMUNICATION					
Payment of Fee (Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))					
<input type="checkbox"/> A check in the amount of _____ is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 03-3419 as described below.					
<input type="checkbox"/> Charge the amount of _____ <input checked="" type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional fee required.					
Certificate of Transmission by Facsimile* I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____) _____ (Date) _____ Signature _____ Typed or Printed Name of Person Signing Certificate			Certificate of Mailing by First Class Mail I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. _____ Signature of Person Mailing Correspondence _____ Typed or Printed Name of Person Mailing Certificate		
*This certificate may only be used if paying by deposit account. <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">  _____ Signature Paul FENSTER, Reg. No. 33,877 </div> <div style="width: 45%;"> Dated: August 2, 2004 </div> </div>					
William H. Dippert, Esq. Reed Smith LLP 599 Lexington Avenue, 29th Floor New York, NY 10022-7650 Tel.: (212) 521-5400 CC:					



In regard to the application of: Ilan D. HABER et al.

Serial No : 09/936,074 Group Art Unit: 2872
Filed: September 5, 2001 Examiner: Unknown
For: Atmospheric Optical Communication

Mail Stop Amendment
Hon. Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully direct the attention of the Examiner to additional art cited with respect to U.S. Application No. 09/936,074, which is a U.S. national phase under §371 of PCT Application No. PCT/IL00/00104. The present application also claims the benefit under §119(e) of U.S. Provisional Application No. 60/123,572, and U.S. Provisional Application No. 60/127,331.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP §2001.06, MPEP §1893.03(e) and MPEP §1893.03(g) and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. Also attached are copies ¹ of the art. This art contains information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

Applicants wish to point out that items 1, and 2 were cited on the Supplementary European Search Report, dated May 6, 2004, of a counterpart European Application No.

¹ To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited then none is known to the undersigned.

00905242.4, a copy of which is also attached hereto. The other items mentioned on this Search Report were already cited in the present application (i.e. U.S. Patent No. 4,960,315 and U.S. Patent No. 5,859,725 were cited in an earlier Information Disclosure Statement.)

A certification under 37 C.F.R. §1.97(e) is attached hereto.

In accordance with MPEP §609 it is requested that each document cited [including any mentioned in Applicants' specification which is not repeated on the attached (or prior) PTO-1449 form(s) or equivalent(s) thereof] be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,
Ilan D. HABER et al.



Paul FENSTER
Registration No. 33,877

August 2, 2004
William H. Dippert, Esq.
Reed Smith LLP
599 Lexington Avenue, 29th Floor
New York, NY 10022-7650

Tel.: (212) 521-5400



185/02360

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In regard to the application of: Ilan D. HABER et al.

Serial No : 09/936,074 Group Art Unit: 2872
Filed: September 5, 2001 Examiner: Unknown
For: Atmospheric Optical Communication

CERTIFICATION UNDER 37 CFR §1.97(e)

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, 22313-1450

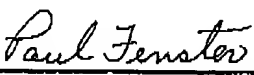
Sir:

This is to certify that the information contained in the attached supplementary Information Disclosure Statement was first cited in a search report from the European Patent Office in a counterpart European Application, No. 00905242.4, not more than three months prior to the filing of the Information Disclosure Statement. No earlier communication listing this art has been received.

Enclosed is a copy of Supplementary European Search Report dated May 6, 2004, clearly showing that the supplementary Information Disclosure Statement is being submitted within 3 months of the mailing date of the search report.

The Examiner is respectfully requested to review the art in accordance with 37 C.F.R. §1.97(e).

Respectfully submitted,
Ilan D. HABER, et al.



Paul Fenster
Registration No. 33,877

August 2, 2004
William H. Dippert, Esq.
Reed Smith LLP
599 Lexington Avenue, 29th Floor
New York, NY 10022-7650

Tel: (212) 521-5400



PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
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599 Lexington Avenue
29th Floor
New York, New York 10022-7650
Tel: 212-521-5400; Fax: 212-521-5450

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Applicant: Ilan D. HABER, et al
Serial No: 09/936,074
Filing Date: September 5, 2001
For: ATMOSPHERIC OPTICAL COMMUNICATIONS
Enclosures: (1) Transmittal of Information Disclosure Statement (3 pages); (2) Information Disclosure Statement (2 pages); Certification Under 37 CFR §1.97(e) (1 page) with attachment (3 pages) w/IDS Citation (1 page) & two cited references; (3) Acknowledgement Postcard.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)	ATTY DOCKET NO.	SERIAL NO.
	185/02360	09/936,074
	APPLICANT(S) Ilan D. HABER et al.	
	FILING	GROUP
	September 5, 2001	2872

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	1	4,307,294	22 Dec '81	CAMPBELL, D. B.			
	2	5,745,634	28 Apr '98	GARRETT, C. M. et al.			

U.S. PATENT APPLICATION PUBLICATIONS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

EXAMINER		DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

Equivalent to Form PTO-1449

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